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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,979	05/29/2001	Andrew Lustig	EUREKA 3.0-001	7406
530	7590	02/15/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,979

Applicant(s)

LUSTIG ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/01; 10/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on May 29, 2001, which paper has been placed of record in the file.
2. Claims 1-60 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilfors et al (hereinafter Tilfors), U.S. Patent No. 6,377,940, in view of Minton, U.S. Patent No. 6,014,643.

Regarding to claim 1, Tilfors discloses a method for facilitating a transaction, comprising:

receiving an indication that the user desires to accept the offer unless a better offer is available, and accept the better offer when the better offer is available, the better offer being similar with regard to at least one parameter, and more optimal with regard to at least one other parameter, than the offer and other available offers (column 3, lines 17-30, the customer enters his order to the automated exchange to accept the offer, when the other exchange offering the better price, the order is automatically transferred

to the other exchange, the order then is processed further at that exchange, the better offer has the better price).

Tilfors does not disclose receiving information describing an offer presented to a user. However, Minton discloses receiving information describing an offer presented to a user (see figure 5 and column 10, lines 15-55, window 512 contains a list of the securities in the market specified by the user, from this window, the user can select a given security for placing an order). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tilfors's to incorporate feature above for the purpose of providing more convenient and easy for the user in selecting a security in order to place an order.

Regarding to claim 2, Tilfors further discloses providing the offer information for delivery to a system having access to information describing the other available offers, being adapted to compare the offer information with the available offer information to determine whether the better offer is available, being adapted to provide information related to the determination, and being adapted to accept the better offer on behalf of the user when the better offer is available; and receiving the determination information and providing the determination information for delivery to an interested party; wherein when the better offer is not available, the determination information comprises an indication that the better offer is not available; and wherein when the better offer is available, the determination information comprises at least one of an indication that the better offer available, a description of the better offer, and an indication that the better

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offer has been accepted by the system (column 1, line 50-column 2, line 20; column 2, lines 40-column 3, line 30).

Regarding to claim 3, Tilfors further discloses the system is further adapted to accept the offer on behalf of the user unless the better offer is available; and when the better offer is not available, the determination information further comprises an indication that the offer has been accepted by the system. (column 1, line 50-column 2, line 10).

Regarding to claim 4, Tilfors further discloses wherein the one parameter is a product identity and the other parameter is a consideration amount to be paid in exchange for the product (column 1, lines 30-40, the better offer has the same financial instrument but and a better price).

Regarding to claim 5, Tilfors further discloses wherein the interested party is selected from the group consisting of the user, an offeror of the offer, and an offeror of the better offer (column 2, lines 45-55, buyer submit buying order, seller submit selling order).

Regarding to claims 6-7, Minton further receiving the order information and receiving the indication are as a result of a singular action by the user, wherein the action is selected from the group consisting of clicking a button, generating a sound, pressing a keyboard key, selecting using a remote control, selecting using a pointing device, and selecting a Web page object. (see figure 5 and column 10, lines 15-55, window 512 contains a list of the securities in the market specified by the user, from this window, the user can select a given security for placing an order). Therefore, it would

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have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tilfors's to incorporate feature above for the purpose of providing more convenient and easy for the user in selecting a security in order to place an order.

Claims 8-60 contain similar limitations found in claims 1-7 above, therefore, are rejected by the same rationale.

Conclusion

5. Claims 1-60 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

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(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script, appearing to read "Nga Nguyen".

December 1, 2005